

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION**

MARTRESA SCRUGGS,)	
)	
Plaintiff,)	
)	
VS.)	No. 1:21-cv-00145
)	Jury Trial Demanded
WALMART INC.,)	
and HOME ESSENTIALS BRANDS)	
LLC, d/b/a MAINSTAYS PATIO)	
ESSENTIALS,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant Walmart Inc. hereby gives notice of the removal pursuant to 28 U.S.C. § 1441 et. seq., of the following action filed against it: Martresa Scruggs v. Walmart Inc., and Home Essentials Brands LLC, d/b/a Mainstays Patio Essentials; in the Circuit Court for Hamilton County, Tennessee, No. 21C494.

This is a suit of wholly civil nature filed in Tennessee state court. The action is pending in the Circuit Court for Hamilton County, Tennessee. Under 28 U.S.C.A. §§ 123(a)(3) and 1441(a), the United States District Court for the Eastern District of Tennessee, Southern Division is a proper forum for removal.

This Court has original jurisdiction pursuant to 28 U.S.C.A. § 1332 because there is complete diversity of citizenship and the amount in controversy exceeds \$75,000. The Complaint and the Amended Complaint both seek judgment in an amount of \$3,000,000 in compensatory damages, as well as punitive damages and treble damages. Plaintiff is a citizen and resident of Hamilton County, Tennessee.

Defendant Walmart Inc. is a Delaware corporation with a principal place of business in Arkansas. Defendant Home Essentials Brands LLC is an Illinois limited liability company with a

Case 1:21-cv-00145-CLC-CHS Document 1 Filed 06/24/21 Page 1 of 3 PageID #: 1

principal place of business in Illinois.¹

Defendant Walmart Inc. was served with process and the Original Complaint on May 26, 2021. The Amended Complaint was e-mailed to counsel for Defendant Walmart Inc. on June 14, 2021. Copies of the summons served upon Defendant Walmart Inc., the Original Complaint, and the Amended Complaint are attached as Exhibits A-C. As of the filing of this Notice of Removal, Defendant Home Essentials Brands LLC has not been served with process based on the docket records for this matter in the Circuit Court for Hamilton County, Tennessee.² This Notice of Removal is timely filed as set forth in 28 U.S.C. § 1446.

Defendant Walmart Inc. is the only defendant that has been served in this matter as of the filing of this Notice of Removal, so it is the only defendant that is required to consent to removal pursuant to 28 U.S.C. § 1446(b).

WHEREFORE, Defendant Walmart Inc. hereby gives notice of the removal of this action pending in the Circuit Court for Hamilton County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Southern Division, and requests that the proceedings

¹In the original Complaint filed on May 21, 2021, Plaintiff also named CL Products International, LLC, Candle-Lite Company, LLC and Luminex Home Decor and Fragrance Company as defendants. None of these three parties are named as defendants in the Amended Complaint filed by Plaintiff on June 14, 2021. To the extent that it is relevant for removal, Defendant Walmart provides the following information about these three parties: CL Products International, LLC is an Illinois limited liability company with a principal place of business in Ohio. Candle-Lite Company, LLC is an Illinois limited liability company with a principal place of business in Ohio. Luminex Home Decor and Fragrance Company is a Delaware corporation with a principal place of business in Ohio.

²In the original Complaint filed on May 21, 2021, Plaintiff also named CL Products International, LLC, Candle-Lite Company, LLC and Luminex Home Decor and Fragrance Company as defendants. None of these three parties are named as defendants in the Amended Complaint filed by Plaintiff on June 14, 2021. To the extent that it is relevant for removal, Defendant Walmart provides the following information about these three parties: Based on the docket records for this matter in the Circuit Court for Hamilton County, Tennessee, CL Products International, LLC, Candle-Lite Company, LLC, and Luminex Home Decor and Fragrance Company have not been served with process as of the filing of this Notice of Removal.

be held thereon.

s/ Elle G. Kern
G. Andrew Rowlett, No. 16277
Elle G. Kern, No. 34301
HOWELL & FISHER, PLLC
3310 West End Avenue, Suite 550
Nashville, TN 37203
(615) 244-3370
arowlett@howell-fisher.com
ekern@howell-fisher.com
Attorneys for Defendant Walmart Inc.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was electronically filed with the Court and was served by U.S. Mail, postage prepaid, upon:

Valerie W. Epstein
724 Cherry Street
Chattanooga, TN 37402
vepstein@epsteinlawfirm.net
Attorney for Plaintiff

this the 24th day of June, 2021.

s/ Elle G. Kern